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Donna A. Blawie

ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION

In Re Applications of:

CONTEMPORARY MEDIA, INC.
Licensee of Stations WBOW(AM),
WBFX(AM), and WZZQ(FM),
Terre Haute, Indiana
Order to Show Cause Why the
Licenses for Stations
WBOW(AM), WBFX(AM), and
WZZQ(FM), Terre Haute, Indiana
Should Not be Revoked
CONTEMPORARY BROADCASTING INC.
Licensee of Station KFMZ(FM),
Columbia, Missouri, and
Permittee of Station KAAM-FM,
Huntsville, Missouri (unbuilt)
Order to Show Cause Why the
Authorizations for KFMZ(FM),
Columbia, Missouri, and
KAAM-FM, Huntsville, Missouri,
Should Not be Revoked
LAKE BROADCASTING, INC.
Licensee of Station KBMX(FM),
Eldon, Missouri, and Permittee
of Station KFXE(FM),
Cuba, Missouri
Order to Show Cause Why the
Authorizations for KBMX(FM),
Eldon, Missouri, and KFXE(FM),
Cuba, Missouri,
Should Not be Revoked
LAKE BROADCASTING, INC.
For a Construction Permit for
a New FM Station on Channel
244A at Bourbon, Missouri

MM DOCKET No.: 95-154

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of: MM DOCKET No.: 95-154

CONTEMPORARY MEDIA, INC.
Licensee of Stations WBOW(AM),
WBFX(AM), and WZZQ(FM),
Terre Haute, Indiana

Order to Show Cause Why the
Licenses for Stations
WBOW(AM), WBFX(AM), and
WZZQ(FM), Terre Haute, Indiana
Should Not be Revoked

CONTEMPORARY BROADCASTING INC.
Licensee of Station KFMZ(FM),
Columbia, Missouri, and
Permittee of Station KAAM-FM,
Huntsville, Missouri (unbuilt)

Order to Show Cause Why the
Authorizations for KFMZ(FM),
Columbia, Missouri, and
KAAM-FM, Huntsville, Missouri
Should Not be Revoked

LAKE BROADCASTING, INC.
Licensee of Station KBMX(FM),
Eldon, Missouri, and Permittee
of Station KFXE(FM),
Cuba, Missouri

Order to Show Cause Why the
Authorizations for KBMX(FM),
Eldon, Missouri, and KFXE(FM),
Cuba, Missouri,
Should Not be Revoked

LAKE BROADCASTING, INC.

File No.: BPH-921112MH

For a Construction Permit for
a New FM Station on Channel
244A at Bourbon, Missouri

Courtroom 3
FCC Building
2000 L Street, N.W.
Washington, D.C.

Tuesday,
May 21, 1996

The parties met, pursuant to the notice of the
Judge, at 9:32 a.m.

BEFORE: HON. ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

On Behalf of Contemporary Media, et al.:

SHELLY SADOWSKY, ESQ.
MICHAEL DEAN GAFFNEY, ESQ.
Rosenman & Colin, LLP
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(202) 463-4640

On Behalf of the Mass Media Bureau:

ROBERT ZAUNER, ESQ.
D. ANTHONY MASTANDO, ESQ.
Mass Media Bureau
Federal Communications Commission
2025 M Street, Northwest
Washington, D.C.

Heritage Reporting Corporation
(202) 628-4888

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Leon P. Hanks (Rebuttal)	360	428	462	470	--
John Rhea (Rebuttal)	475	506	526	--	--

Opening Statement on behalf of:	None
Closing Argument on behalf of	None

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Mass Media Bureau:</u>			
12	539	543	--
13	541	543	--

Administrative Law Judge:

1	535	535	--
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Hearing Began:	9:32 a.m.	Hearing Ended:	4:27 p.m.
Recess Began:	12:15 p.m.	Recess Ended:	1:30 p.m.

1 P R O C E E D I N G S

2 JUDGE STEINBERG: We are on the record in the
3 continuation of the hearing in MM Docket No. 95-154. And
4 today we are going to take the rebuttal testimony offered by
5 the Bureau. And after that is finished, then we have got
6 some housekeeping matters that we have to finish with.

7 Mr. Zauner.

8 MR. ZAUNER: Your Honor, today we have two
9 witnesses that we are going to present in rebuttal. The
10 first witness is Leon Paul Hanks, and he is here present
11 this morning to testify. The second witness is John Rhea.
12 Mr. Rhea is coming in by airplane this morning and should be
13 here during the noon hour for an appearance this afternoon.

14 JUDGE STEINBERG: Okay.

15 MR. ZAUNER: Is it our fervent hope that we will
16 be able to deal with both of these witnesses and complete
17 their testimony today.

18 JUDGE STEINBERG: Okay. So why don't you put on
19 your first witness, call your first witness.

20 MR. MASTANDO: The Bureau would like to call Leon
21 Paul Hanks.

22 JUDGE STEINBERG: Could you raise your right hand,
23 please?

24 //

25 //

1 Whereupon,

2 LEON P HANKS

3 having been first duly sworn, was called as a
4 witness herein and was examined and testified as follows:

5 JUDGE STEINBERG: Please be seated.

6 MR. MASTANDO: Good morning.

7 JUDGE STEINBERG: Don't be too nervous, okay. I
8 see you are shaking a little bit Just relax, take it easy.
9 Listen to the questions and answer to the best of your
10 ability. If you don't know the answer, there is nothing
11 wrong with saying, "I don't know the answer," or "I don't
12 remember." And just remember listen to the questions and
13 then give your answers to the best of your knowledge and
14 belief. And if you need to take a break, let me know and we
15 will take a break. Just take it easy.

16 THE WITNESS: Thank you.

17 REBUTTAL DIRECT EXAMINATION

18 BY MR. MASTANDO:

19 Q Good morning.

20 Would you please state your name for the record?

21 A Leon Paul Hanks.

22 Q Are you known by any other names? An air name,
23 perhaps?

24 A Yes. Chris Kellogg.

25 Q Will you please state your address?

1 A 261 North Moon Glow Lane, Columbia, Missouri,
2 65201.

3 Q Are you appearing here today pursuant to a
4 subpoena?

5 A Yes.

6 Q Are you represented by counsel today?

7 A No, I am not.

8 Q Are you aware that you are entitled to be
9 represented by counsel?

10 A Yes. He couldn't make it.

11 Q What is your present occupation?

12 A Radio broadcasting. Program director at KLQL in
13 Columbia, Missouri.

14 Q And when did you begin at KLQL?

15 A November 1, 1994.

16 Q How long have you worked in broadcasting?

17 A Since August 1 of 1978.

18 Q Can you give us a brief summary of your broadcast
19 experience?

20 A Yes. I started part time disc jockey in August
21 1st of '78 at KLPW, AM and FM. in Union, Missouri. And then
22 in November of that year I was promoted to full time, and
23 worked from November of '78 to the end of April, 1982, at
24 KLPW in different capacities

25 Started off as evening disc jockey, then afternoon

1 disc jockey, and news director, as well, for the station.

2 In the first of May of 1992, I took a job in
3 Joplin, Missouri, at KKUZ, WMBH, an AM and FM combo there,
4 and worked there until August of 1983.

5 And then I went to Lincoln, Nebraska, at KFRX and
6 did the morning show there. In both of those two
7 circumstances I was just a disc jockey there doing morning
8 show or afternoon drive.

9 I left Lincoln in late November or December of
10 1984, and took a hiatus from radio for a short while, and
11 got a job in Tallahassee, Florida, in late January of 1995,
12 doing the morning show there.

13 And then in August of 1995, I was hired by KFMZ in
14 Columbia.

15 Q Do you mean 1985?

16 A Yes, 1985. And that was in August of 1985 that I
17 was hired by KFMZ as a morning show personality. Through my
18 time there I was promoted to a program director in February
19 of 1989; continued doing the morning show. And also along
20 the way I added responsibilities of assisting with
21 programming as kind of a group program director of
22 Contemporary stations, primarily though at KFMZ and WZZQ,
23 which is in Terre Haute.

24 Then I was terminated there on August 5, 1994, and
25 then I got my new job with this new station that signed on

1 in Columbia in November 1st of 1994. And I have been
2 working there since then.

3 Q Thank you.

4 Were you told why you were fired from KFMZ?

5 MR. GAFFNEY: Objection, Your Honor. Can he lay
6 some foundation?

7 JUDGE STEINBERG: Well, he said he was terminated
8 on August 5, '94. I think the foundation is there.

9 Do you want to build up some more foundation by
10 asking again?

11 MR. GAFFNEY: Well, in connection with this
12 matter, the reasons for his termination or establish why.

13 MR. MASTANDO: I just asked him why he was
14 terminated.

15 JUDGE STEINBERG: No, you asked him was he told
16 why he was terminated.

17 MR. MASTANDO: Yes, exactly.

18 JUDGE STEINBERG: There is a difference.

19 MR. MASTANDO: There is a difference.

20 JUDGE STEINBERG: Maybe.

21 MR. GAFFNEY: I don't see how that's relevant to
22 rebuttal issue yet why he was terminated in this case.

23 JUDGE STEINBERG: Well.

24 MR. GAFFNEY: We don't know who told him.

25 JUDGE STEINBERG: Well, I think this is either

1 laying a foundation or going somewhere, and I will allow it.
2 Overruled.

3 Why don't you just ask him.

4 THE WITNESS: Repeat the question.

5 BY MR. MASTANDO:

6 Q Were you told why you were fired from you job at
7 KFMZ?

8 A Yes, I was told that due to my health that I
9 couldn't be there every day, and that my days as a program
10 director were coming to an end. That's it.

11 Q Is your firing the subject of current litigation?

12 A Yes.

13 Q Can you state the cause of action in that lawsuit?

14 A It's a discrimination lawsuit. I don't know how
15 to phrase it. My contention is that there was no foundation
16 for termination except my health problem.

17 Q What is the status of that lawsuit?

18 A According to my attorney, we have been asked to
19 present settlement terms. Those have not yet been
20 presented.

21 JUDGE STEINBERG: Who asked?

22 THE WITNESS: I guess the attorneys representing
23 KFMZ, the ones in St. Louis.

24 BY MR. MASTANDO:

25 Q Does that lawsuit or its status affect your

1 ability to testify truthfully today?

2 MR. GAFFNEY: objection

3 JUDGE STEINBERG: Overruled.

4 THE WITNESS: Does it affect my ability to testify
5 today?

6 BY MR. MASTANDO:

7 Q Truthfully, to testify truthfully today?

8 A No, not at all

9 Q Other than being fired from Contemporary
10 Broadcasting, have you ever been fired before?

11 A No, I haven't.

12 Q Do you have any medical conditions?

13 A Yes, I have epilepsy.

14 Q Are you currently taking medication for that
15 condition?

16 A Yes, I am.

17 JUDGE STEINBERG: What medication?

18 THE WITNESS: I am taking Tegratol and Lamictal,
19 which is L-A-M-I-C-T-A-L, for the reporter.

20 BY MR. MASTANDO:

21 Q Does that medication or your condition affect your
22 ability to testify truthfully?

23 A No, it does not.

24 Q You mentioned that you were the group program
25 director. How did you become the group program director?

1 A Mike wanted me to --

2 JUDGE STEINBERG: Time out. Are we back to KFMZ?

3 MR. MASTANDO: Yes, Your Honor, we are back to
4 Contemporary.

5 JUDGE STEINBERG: Why don't we get -- okay, you
6 began at -- when did you begin at KFMZ?

7 THE WITNESS: In August of 1985.

8 JUDGE STEINBERG: Okay. And you were terminated
9 in August of 1994?

10 THE WITNESS: Yes, sir.

11 JUDGE STEINBERG: So you worked there for about 10
12 years?

13 THE WITNESS: Yes.

14 JUDGE STEINBERG: Okay. And the question that you
15 are asking is -- why don't you ask it again.

16 MR. MASTANDO: Okay

17 BY MR. MASTANDO:

18 Q You mentioned that you were the corporate program
19 director. Do you remember on approximately what date you
20 became the corporate program director?

21 A As I said --

22 MR. GAFFNEY: Objection, Your Honor. He said he
23 was the program director?

24 JUDGE STEINBERG: Yes let's -- was it a formal
25 title?

1 THE WITNESS: Not a formal title, no.

2 JUDGE STEINBERG: Okay. Why don't you describe
3 what you did in that capacity and then we can decide what
4 to call it.

5 THE WITNESS: Okay. So you want to know when I
6 started participating in other radio stations?

7 BY MR. MASTANDO:

8 Q Would you describe your duties as group program
9 director?

10 A I'm sorry, would I describe that?

11 Q Would you describe your duties --

12 A Oh, I'm sorry.

13 Q -- as group program director?

14 A My primary focus was to continue programming at
15 KFMZ as the program director, but also to assist the PDs at
16 the -- the various PDs at WZZQ, and to keep them focused on
17 the -- I say corporate format. It's -- Mike has a mindset
18 of specific format programming which is a real broad-based
19 rock music format.

20 Q Excuse me. Pardon the interruption.

21 But can you tell me who Mike is?

22 A Oh, I'm sorry.

23 Q Can you identify?

24 A Mike Rice.

25 Q Okay.

1 A And so my goal was to keep those program directors
2 and that format on track and consistent with what Mike
3 expected, which was very much like what KFMZ's format was.

4 I can go into more detail about this format if you
5 would like.

6 But the other things too is helping critique some
7 of the air talent, and even recruiting talent as well for
8 WZZQ.

9 Q Did your responsibilities extend further than just
10 KFMZ and WZZQ?

11 A Yeah, but primarily, while I was recruiting talent
12 for WZZQ and KFMZ, I was asked also to find talent within
13 those tapes and resumes that were brought in.

14 Q By whom were you asked this?

15 A I'm sorry.

16 By Mike Rice.

17 Q When did he ask that question, or when did he make
18 that request?

19 A It would have been somewhere between late '91 and
20 some time in '93, I would guess. Unfortunately, that's a
21 long span. I don't know exactly when.

22 And the purpose of that talent was to hire at the
23 Lake of Ozark Station and the AM station, WBOW in Terre
24 Haute, the lake stations, KBMX.

25 JUDGE STEINBERG: So some time between late '91

1 and 1993, Michael Rice asked you to evaluate talent for the
2 Lake Broadcasting station?

3 THE WITNESS: Not evaluate, but recruit.

4 JUDGE STEINBERG: Recruit.

5 THE WITNESS: Yeah, recruit talent.

6 BY MR. MASTANDO:

7 Q Did he repeat that request to you on occasion?

8 A I am thinking he may have because that is the
9 whole time frame in which I was really operating as a
10 programming advisor, or group program director, or whatever
11 you want to call it.

12 MR. MASTANDO: Just for the sake of clarity, I
13 will see if I can keep calling it the group program director
14 if that's not objectionable

15 JUDGE STEINBERG: Well, Ms. Sadowsky?

16 MS. SADOWSKY: Your Honor, can you get from the
17 witness the date when he became the group program director?
18 I think that would be helpful.

19 BY MR. MASTANDO:

20 Q Would you please tell us what date you became
21 group program director and until what time that continued?

22 A There was no specific date when that title became
23 the title. I know we issued a press release at some point,
24 again during that time frame of -- I'm thinking it was
25 around November of '92 when we sent out a press release to

1 the paper to let them know that I was group program
2 director. You know, it was a publicity thing.

3 Q And how did you become the group program director?

4 A Mike had gotten out of the hospital in, I think it
5 was late '91, and wanted -- had heard -- had listened to
6 WZZQ in Terre Haute. And during the time that he was in the
7 hospital the station seemed to stray from the central focus
8 of its format that Mike liked and preferred, and also felt
9 was a winner.

10 And it became too -- to get into the programming
11 side of things -- it became too deep in like album cuts, and
12 too hard rock. Mike wanted it more centered to include
13 those album cuts but also include some top 40 mix to make it
14 as mass appeal as possible.

15 And so when I say about a programming focus,
16 that's the focus I am talking about, and that's very much a
17 Mike Rice focus, which I subscribe to as well.

18 And so he had asked me to call their listen line
19 and listen to them, and then plan on making a trip over to
20 go through their music -- their computer system that housed
21 all of their song titles and format class and what have you.

22 Q Okay. And this happened after Michael Rice was
23 released from the hospital?

24 A Yes, and that's why I am thinking it was late '91.
25 It may have been early '92, but I am thinking late '91.

1 Q So then is it your testimony that the first time
2 you acted in this capacity you were refining the format of a
3 particular station outside KFMZ?

4 A Yes, WZZQ. Yes.

5 Q And this was at Michael Rice's request?

6 A Yes.

7 Q How long did you continue with your duties as
8 group program director?

9 A I continued through, I think, the bulk of '93, a
10 good portion of 1993. My frame of reference there is the
11 last program director that I worked with, which is Ben
12 Jacobs. Real names and DJ names are hard to keep straight.
13 His real name is Ben Orzeske. So that's why I am thinking
14 mid, at least middle of 1993, perhaps the bulk of '93.

15 Q As group program director, to whom did you report?

16 A Mike, Mike Rice.

17 Q And how often would you report to Mike Rice?

18 A We frequently had phone conversations. Any memos
19 that I sent to -- and frequently -- once or twice a week in
20 the beginning as we were really trying to get it focused,
21 and then in '93 is when we started speaking probably less
22 frequently about it, because the station seemed to be on
23 track, and he kind of washed his hands with Ben and decided
24 that wasn't going to work out. and was going to let the
25 manager over there make the call

1 Then like all the memos that I sent to the program
2 directors, I always sent copies to Mike, and intentionally
3 did not cc those, the little "cc:" thing, because I didn't
4 think the program director there needed to know that Mike
5 was on top of things.

6 JUDGE STEINBERG: When you say -- the question was
7 basically how frequently did you report to Mr. Rice. Define
8 "report". What did you --

9 THE WITNESS: Oh.

10 JUDGE STEINBERG: How did you report to him?

11 THE WITNESS: I'm sorry.

12 JUDGE STEINBERG: You said you spoke to him once
13 or twice a week by phone.

14 THE WITNESS: Right.

15 JUDGE STEINBERG: What did you talk about? What
16 did you say? What did he say?

17 THE WITNESS: And we talked specifically about
18 what -- how things were coming along at the Terre Haute
19 station, any possible problems with the program director
20 over there conforming to what I set down for them to do, and
21 it was just a constant update on, you know, the new songs
22 that were added for the week, and if they were consistent,
23 and, you know, if I helped choose those new songs or whether
24 the PD over there chose the new songs.

25 He just wanted an overall regular update on how

1 things were going with the station, and he would call up
2 frequently. If he heard something he didn't like, he would
3 let me know of that as well to take care of. And, you know,
4 if it was something stupid a disc jockey said or just songs
5 that he didn't think fit. Lesser on the songs part, though;
6 more on talent.

7 MR. GAFFNEY: Your Honor, at this point the
8 Licensees would object. I don't think that Janet Cox in her
9 testimony ever denied Mr. Hanks' role as an overseer of the
10 stations' programming. And I can't find that she denied or
11 would be in a position to deny that Mr. Hanks made calls on
12 his own to Mr. Rice. So I don't see --

13 JUDGE STEINBERG: Well, we haven't gotten to that
14 point yet.

15 MR. GAFFNEY: I don't see what the nature of
16 rebuttal to this testimony is. This may be a case in chief
17 witness, but it certainly isn't rebutting anything Janet Cox
18 testified to or anything that was put in by the Licensees in
19 the direct case.

20 MR. MASTANDO: Your Honor, I would submit that
21 Janet Cox did say that Michael Rice did not play a role in
22 the programming, and that's essentially what our rebuttal
23 witness is testifying to the contrary to that statement
24 today. I don't have a particular cite, but I would be glad
25 to provide that to the Court within her testimony.

1 JUDGE STEINBERG: Okay, the objection is
2 overruled.

3 The next question I have, you spoke with Mr. Rice
4 approximately one to two times a week on the phone. Who
5 initiated the calls?

6 THE WITNESS: Either Mike or either me. Either
7 one.

8 JUDGE STEINBERG: Sometimes you did, sometimes he
9 did?

10 THE WITNESS: Right. If I had something specific
11 that I needed to ask him about that I wasn't sure which
12 direction to go, then I would call him. And oftentimes,
13 like I said, he would call me to just get an update on
14 things.

15 I'm sorry. Did I answer that clearly?

16 JUDGE STEINBERG: You did.

17 THE WITNESS: Okay.

18 BY MR. MASTANDO:

19 Q In your capacity as the group program director,
20 how frequently did Janet Cox get involved in the programming
21 decisions?

22 A I almost need to define programming, I guess.
23 Like the critiques of the stations and hiring and firing
24 jocks and things of that nature. Is that -- there are many
25 aspects of programming.

1 And I would say that her involvement was primarily
2 sales. So that does attach to programming in the fact that
3 sales is attached to promotions, which program directors
4 handle. And programs directors' goals are to maximize sales
5 with promotions. So you create kinds of promotions where
6 the sales department can go out and sell, and then the
7 stations can make money.

8 And so if there was involvement from that respect,
9 it was Janet's encouragement or direction or focus, focusing
10 the program director to pursue those kinds of promotions as
11 opposed to just those general listener type driven
12 promotions.

13 So if there was any involvement, that would have
14 been it.

15 Q Did Janet Cox tweak format, did she change the
16 format of any stations or --

17 A Oh, no.

18 Q Did Michael Rice tweak the format or recommend to
19 you that you tweak the format?

20 A Yes. Absolutely.

21 Q And this is after April of 1991?

22 A It actually was after he got out of the hospital,
23 I think, in late '91.

24 Q What does that mean "tweak the format"?

25 JUDGE STEINBERG: Well, he used the word.

1 What did you understand by Mr. Mastando's use of
2 the word "tweak the format"?

3 THE WITNESS: It's a programming term.

4 Tweak means you -- the format is not completely
5 torn up. In other words, it's not going from a rock format
6 to an easy listening format. So the format hasn't changed.
7 So tweak means it's veered off from its focus. So you tweak
8 it by tweaking it back around to what it was.

9 JUDGE STEINBERG: Something like fine tuning it?

10 THE WITNESS: Yeah, actually, like fine tuning it.

11 JUDGE STEINBERG: Which is my words.

12 THE WITNESS: Fine tuning on TV.

13 JUDGE STEINBERG: We have all the words except Mr.
14 Hanks' word in the record.

15 (Laughter.)

16 BY MR. MASTANDO:

17 Q Did Michael Rice review the play lists from the
18 stations after April of 1991?

19 A Yeah, he regularly checked R&R 's radios and
20 records, and both KFMZ and WZZQ were reporting were we
21 reported the new songs that we added each week, and he would
22 always check that. There were several times that he called
23 and complained about us adding too many songs. Not song
24 selection really, but the quantity of songs, cause it was
25 also Mike's philosophy that if you are playing too many new

1 songs then you are not playing enough old, familiar classic
2 rock. So playing too many new songs was bad.

3 One particular time this is when WZZQ added 10
4 records in one week, which if you think about 10 new records
5 totally unfamiliar being played on a station in a pretty hot
6 rotation, that's a pretty bad thing. He preferred to keep
7 them down to five or less.

8 Q And what did he say about the 10 new records that
9 came on?

10 A He wanted to know why they added so many new
11 records. In that particular situation I explained to him
12 that we had dropped so many of the other -- this was
13 after -- this was some time in the spring of '92, maybe,
14 that I remember that. And we had just dropped a bunch of
15 new songs that were in the play list because they weren't
16 appropriate for the format.

17 So in tweaking or fine tuning the format, we had
18 to drop a bunch of new songs that were there. So by
19 dropping the new songs we had too few new songs that we
20 needed, so we added more new songs that were more rock-based
21 than the top 40 songs that were in there.

22 Q Did Janet Cox ever review your play lists at --

23 A No.

24 Q Did Malcolm Rice ever review your play lists?

25 A No, not Malcolm.

1 Q Did Malcolm Rice ever tweak your format?

2 A No. No, not at all

3 JUDGE STEINBERG: Okay, who is Malcolm Rice?

4 THE WITNESS: That's Mike's dad.

5 BY MR. MASTANDO:

6 Q Were you told by the management that Michael Rice
7 was excluded from the day-to-day operations of management of
8 the stations and the Licensees?

9 A By "management"? You mean like Richard Hauschild,
10 manager at KFMZ or?

11 Q Well, were you ever told that Michael Rice was
12 excluded from control or day-to-day management or day-to-day
13 decisions?

14 A No. Well, Mike told me, you know, he's not
15 supposed to -- for example, we had to let go of a PD over at
16 Terre Haute, and Mike told me that, you know, he's not
17 supposed to do this kind of stuff, so he has Janet do that.
18 And that was a frequently heard phrase.

19 By "frequent," not every week, but it was
20 something that I heard occasionally.

21 Q Do you recall a date or a particular --

22 A That would have been probably very -- late
23 October, early November of '92. That I recall that so
24 vividly because Janet had to fire somebody.

25 JUDGE STEINBERG: Okay Why don't you just, to

1 the best of your recollection. outline what happened. This
2 is in late October or early November '92?

3 THE WITNESS: Yes

4 JUDGE STEINBERG: What happened?

5 THE WITNESS: Well, me and Mike and Janet went
6 over to Terre Haute with the expressed purpose of letting
7 the program director go.

8 JUDGE STEINBERG: Who was the program director?

9 THE WITNESS: I'm sorry
10 His air name was Mark Savage.

11 JUDGE STEINBERG: Mark Savage is a name that has
12 come up before, but, you know, what his real name is, but we
13 have been using Mark Savage.

14 BY MR. MASTANDO:

15 Q Does the name Mark Bianchi -- do you recall the
16 name Mark Bianchi?

17 A Yeah, that may have been his real name actually.

18 JUDGE STEINBERG: Anyway, you remember a Mark
19 Savage.

20 THE WITNESS: Right, Mark Savage.

21 JUDGE STEINBERG: So you and Janet, Janet Cox?

22 THE WITNESS: Yes.

23 JUDGE STEINBERG: And Mr. --

24 THE WITNESS: And Mike Rice.

25 JUDGE STEINBERG: Went somewhere?